



**Regular City Council Meeting**  
Tuesday, July 16, 2019  
City Hall Council Chambers  
5249 South 400 East, Washington Terrace City  
801-393-8681  
[www.washingtonterracecity.com](http://www.washingtonterracecity.com)

1. **TOWN HALL MEETING:** **6:00 P.M.**  
**PRESENTATION/DISCUSSION: TRUTH-IN-TAXATION - FIRE/EMS SERVICES**
  
2. **ROLL CALL** **7:00 P.M.**
  
3. **PLEDGE OF ALLEGIANCE**
  
4. **WELCOME**
  
5. **CONSENT ITEMS**
  - 5.1 **APPROVAL OF AGENDA**  
Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.
  
  - 5.2 **APPROVAL OF JUNE 18, 2019, MEETING MINUTES**
  
6. **CITIZEN COMMENTS**  
This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a public hearing. Please limit your comments to no more than 3 minutes.
  
7. **COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS**  
Council and staff will consider and address concerns and take appropriate measures to follow up on any comments made in the citizen comments item on the agenda.
  
8. **CONTINUATION OF TOWN HALL MEETING (IF NEEDED)**  
If extra time is needed, Council and staff will continue the discussion and answer questions concerning the Truth in Taxation and Fire Department operations. New business items will begin at 7:30 p.m. or earlier.
  
9. **NEW BUSINESS**

For more information on these agenda items, please visit our website at [www.washingtonterracecity.com](http://www.washingtonterracecity.com)

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In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting. Amy Rodriguez, City Recorder.

**9.1 PRESENTATION: FIRE DEPARTMENT QUARTERLY REPORT**

A review of activity during the months of April-June 2019.

**9.2 PRESENTATION: ANIMAL CONTROL QUARTERLY REPORT**

A review of activity during the months of April-June 2019.

**9.3 DISCUSSION: TRIP HAZARD MITIGATION PROGRAM**

A discussion on how to mitigate trip hazards in the City.

**9.4 DISCUSSION: AFFORDABLE HOUSING PLAN REPORT PLANNING**

A discussion on new requirements for the Affordable Housing Plan (SB34) and if the City will need to hire an outside preparer of the report for 2019.

**9.5 MOTION/RESOLUTION 19-25: A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH BEAVER VALLEY HOSPITAL FOR OPERATIONS OF A NURSING CARE FACILITY IN WASHINGTON TERRACE CITY**

An interlocal agreement allowing Beaver Valley Hospital to operate Mt. Ogden Nursing Facility.

**9.6 PRESENTATION: SHERIFF'S OFFICE QUARTERLY REPORT**

A review of activity during the months of April-June 2019.

**10. ADJOURN INTO RDA MEETING**

**11. COUNCIL COMMUNICATION WITH STAFF**

This is a discussion item only. No final action will be taken.

**12. ADMINISTRATION REPORTS**

This is an opportunity for staff to address the Council pertaining to administrative items.

**13. UPCOMING EVENTS**

**July 24<sup>th</sup>: City Offices closed for Pioneer Day**

**July 25<sup>th</sup> Planning Commission Meeting 6:00 p.m. Cancelled**

**August 6<sup>th</sup>: City Council Meeting 6:00 p.m.**

**August 20<sup>th</sup>: City Council Meeting 6:00 p.m.**

**August 29<sup>th</sup>: Planning Commission Meeting 6:00 p.m. (tentative)**

**14. MOTION: ADJOURN INTO CLOSED SESSION**

- To discuss the character, professional competence, or physical or mental health of an individual.
- Strategy session to discuss pending or reasonably imminent litigation
- Discussion regarding deployment of security personnel, devices, or systems

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- Strategy sessions to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimate value of the property under consideration or prevent the public body from completing the transaction on the best possible terms.

**15. ADJOURN THE MEETING: MAYOR ALLEN**

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# City of Washington Terrace

Minutes of a Regular City Council meeting

Held on June 18, 2019

City Hall, 5249 South 400 East, Washington Terrace City,  
County of Weber, State of Utah

## **MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT AT TOWN HALL MEETING**

Mayor Mark C. Allen

Council Member Scott Monsen – Excused

Council Member Blair Brown

Council Member Larry Weir

Council Member Scott Barker

Council Member Jeff West

Finance Director Shari’ Garrett

Interim Fire Chief Clay Peterson

Public Works Director Steve Harris

City Recorder Amy Rodriguez

City Manager Tom Hanson

## **Others Present**

Charles and Reba Allen, Connie Goodman, Steve Jacobson, Cheryl Parkinson, Amy Miller, Kathleen Hurst, Danielle Shupe, Ullis Gardiner, Wallace Reynolds, Marilyn Jorgenson

## **1. TOWN HALL MEETING: 6:00 P.M.**

### **PRESENTATION/DISCUSSION: TRUTH-IN-TAXATION - FIRE/EMS SERVICES**

The Mayor welcomed the audience to the town hall meeting. He stated that Council has been trying to improve fire operations for many years. He stated that the Fire Department needs equipment and support to help in their life-saving operations, as around 95 percent of their calls are for EMS services. He stated that Hanson will present and then the meeting will open up for questions and comments.

Hanson presented the discussion on the Proposed Truth in Taxation, focusing on Fire Operations. Hanson stated that he has been working with Chief Bush for close to ten years on this topic. He stated that the type of operations that we have now are very different from when the Department started. He stated that the Department receives over 1000 call a year and 99 percent of them are medical calls. He stated that the Department is struggling to recruit and retain fire fighters to work 12 hour shifts in the station. Council Member Brown stated that we are a small community and struggle to keep qualified people, as they train here and leave for more money to bigger cities.

Hanson stated that most of our Fire fighters are already employed somewhere else, and use this as a supplemental income. He stated that we are understaffed. Hanson stated that the reason that the conversation is taking place is to recruit and retain qualified fire fighters.

Hanson stated that several options have been considered. One of the considerations was to join a Fire District. Hanson stated that Weber County Fire District was too expensive to partnership with. He stated that consolidation with Riverdale and South Ogden was also considered. He stated that a study was completed to see if it was feasible to join with the two cities. Hanson stated that the door is still open however, the city realizes that no matter what, the city will have to raise its rates to match the cities that

49 would be consolidated. He stated that the cost to consolidate would be quite high.  
50 He stated that if we went to a consolidated district, there would be no going back. He stated that we are at  
51 \$285,000 to run our department, and we are proposing an increase to \$535,000.  
52 Hanson stated that the city was looking at ways to make it work without joining a consolidation. Hanson  
53 stated that if we consolidated, we would have to go to a full time department with benefits.  
54 Hanson noted that the consolidation would be for a one year trial. He stated that if they cities back out, it  
55 would leave Washington Terrace in a bad spot. We would not be able to go back once we leave the  
56 volunteer department.  
57 Council Member Brown stated that there are different appetites and budgets for the other departments. If  
58 one of the other cities wants to buy full price and expensive equipment, Washington Terrace would have  
59 to help foot that bill.  
60 Hanson stated that staff has been looking at what we can do to move forward, while not putting too much  
61 of a burden on the residents. Hanson stated that we are trying to balance out the ability to raise revenue  
62 and how we can afford it.  
63 Hanson stated that we would increase shift pay for the volunteers. Hanson stated that we are looking to  
64 increase shift pay to \$155 per night shift and a \$178 per day shift.  
65 Hanson stated that we would like to increase the 2 person shift to a 3 person crew. He stated that this  
66 increases confidence in the service level that is being provided. Hanson stated that we would receive  
67 Automatic Aid from other cities because we would be a full function staff. Automatic Aid will be  
68 provided unless called off. Hanson stated that the Chief is the only full time employee in the  
69 Department.  
70 Hanson stated that the Ogden Fire Department dispatches their ambulance out of our station. Ogden City  
71 pays a building lease and also backs us up on fire calls with a battalion chief.  
72 Hanson stated that the shift pay and changes in staffing may help us recruit and retain firefighters.  
73  
74 Hanson stated that Fire is under a general fund expense. He stated that the funding cannot come from  
75 water, sewer, or any other funding expense. He stated that it is mandated that fire and law enforcement be  
76 provided to residents.  
77 Hanson stated that the city budget for fire is being proposed to be \$256,000 to start and \$16,000 annual  
78 maintenance  
79 Hanson stated that for a home value of \$236,000, the annual tax increase for the resident would be  
80 \$76.97. Hanson stated that we received these numbers from the county last week.  
81 Hanson gave a property tax revenue history. Hanson stated that the tax commission has advised that it  
82 doesn't help anyone by waiting to do a tax increase after kicking the can down the road.  
83 Hanson stated that he reached out to the Utah Sales Taxpayers Association about the proposed tax and he  
84 stated that they would not oppose the increase because we do not have any options to raise the funds.  
85  
86 Council Member Brown stated that this comes down to adding an extra person to save lives on medical  
87 call. He stated that it is the cheapest we can do it.  
88 Hanson stated that the residents of the City voted down consolidating with South Ogden and Riverdale.  
89 Hanson stated that we are buying time by staying volunteer while we look at other options and keeping  
90 the level of service, or higher, that we have now.  
91  
92 Hanson stated that the door is open to other options while maintaining a volunteer department.  
93  
94 Chief Peterson stated that we do not bill for calls for service. They are only billed by Ogden City if they  
95 are transferred in an ambulance. Hanson stated that we charge a disproportionate cost to provide services  
96 to businesses, stating that the nursing homes are by far our biggest users of the EMS services.

97 Chief Peterson explained the difference between two person shift and a three person shift, stating that the  
98 major difference would be Automatic Aid. He stated that when we go to three people, one person could  
99 be taking the report while the other two people take care of the victim.

100 He stated that with a two man shift, we could not be able to do anything on a fire. The team would have  
101 to contact another city to assist.

102 He stated that a three person shift is needed, not just a want. He explained why three people are needed  
103 on medical calls. He stated that the ambulance is not available to every call in Washington Terrace. The  
104 ambulance assists other cities and hospitals. There are times when the Department has to wait for the  
105 nearest ambulance and must perform medical calls while they are waiting.

106 Hanson stated that we do not have the capacity to take on an ambulance at this time.

107

108 Hanson stated that most everything we buy now costs more than it did five years ago. He stated that  
109 without new growth, we need to increase to pay for mandated services.

110

111 Hanson stated that if we combine with Riverdale and South Ogden, we would have to pay full freight  
112 which would cost more than what is being proposed at this time. Council Member West stated that when  
113 we combine, we lose control on how much we would have to increase taxes. If one of the cities decides  
114 to buy a 3 million pumper truck we would have no choice but to buy into that. We would not be able to  
115 control the tax increases that would be caused by the District.

116

117 Council Member Brown stated that whenever there is an increase proposed, Council is on staff to justify  
118 for every penny. He stated that Council talks about money and ability to pay. He stated that he was very  
119 skeptical of the increases for Fire and Law Enforcement, but agrees that it is needed. He stated that the  
120 process is very streamlined.

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124 The Town Hall concluded into a Regular Meeting at 7:30 p,m,

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**MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT**

Mayor Mark C. Allen  
Council Member Scott Monsen- Excused  
Council Member Blair Brown  
Council Member Larry Weir  
Council Member Scott Barker  
Council Member Jeff West  
Finance Director Shari' Garrett  
Public Works Director Steve Harris  
Recreation Director Aaron Solomon  
City Treasurer Heidi Gerritsen  
City Recorder Amy Rodriguez  
City Manager Tom Hanson

**Others Present**

**Charles and Reba Allen, Amy Miller, Dan Foncesbeck, Sheryl Parkinson , Kevin Nelsen**

**2. ROLL CALL 7:00 P.M.**

**3. PLEDGE OF ALLEGIANCE**

**4. WELCOME**

**5. CONSENT ITEMS**

**5.1 APPROVAL OF AGENDA**

**5.2 APPROVAL OF JUNE 4, 2019, MEETING MINUTES**

Items 5.1 and 5.2 were approved by General Consent.

**5.3 APPOINTMENT OF CITY TREASURER**

Mayor Allen appointed Heidi Gerritsen as City Treasurer.

**Motion by Council Member Barker  
Seconded by Council Member Weir  
To appoint Heidi Gerritsen as City Treasurer  
Approved unanimously (4-0)**

**6. CITIZEN COMMENTS**

Resident Sheryl Parkinson - 5529 S 225 E-stated that her home and several back yards in her neighborhood have been flooded with surface water from the hospital. She stated that she has worked with Steve Harris and he has been wonderful and she appreciates him speaking to the hospital. She wanted Council to be aware that the hospital is working on the problem.

**7. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS**

Harris stated that the hospital recontoured the back area and the water line has been going over into the three homes behind them. He stated that the hospital has not responded to him concerning the storm

193 water coming off of their property. He stated that the issue has not been resolved. Harris stated that they  
194 are not taking care of the pumping of the water. Harris stated that their detention basin has never worked  
195 correctly.  
196

197 **8. CONTINUATION OF TOWN HALL MEETING (IF NEEDED)**

198 The Town Hall meeting continued until 7:30 pm.  
199

200 **9. NEW BUSINESS**

201  
202 **9.1 TERRACE DAYS REVIEW**

203 Solomon stated that all the events were full and there was a big turn out this year. He thanked the  
204 Sheriff's Office for their work, Council Member Brown for running the successful dog run, and he  
205 expressed his appreciation to the Public Works Crew for all their work on the event.

206 Hanson stated that the Public Works Crew does a fantastic job with all the background work that they do  
207 for the event. Hanson stated that he sends Thank you notes to all the business who donate to the event.  
208 Mayor Allen stated that he has a few concerns on public safety and he would like to get together and talk  
209 about the public safety issues. Hanson stated that he is going to suggest to use more family friendly music  
210 at a lower volume. Solomon stated that all the vendors that he spoke to were happy with the event.  
211 Hanson stated that he did not realize there was not a flag leading the parade and will make sure that  
212 doesn't happen again.  
213

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215 **9.2 MOTION/RESOLUTION 19-23: RESOLUTION AUTHORIZING INDIVIDUALS**  
216 **TO ACCESS/ANDOR TRANSACT WITH THE MUNICIPALITY'S UTAH**  
217 **PUBLIC TREASURER'S INVESTMENT ACCOUNTS**

218 Garrett stated that the resolution is a formality to add the new City Treasurer to our investment account.  
219

220 **Motion by Council Member West**  
221 **Seconded by Council Member Barker**  
222 **To approve resolution 19-23 authorizing**  
223 **The City Manager and City Treasurer to access/transact with the municipality's**  
224 **Utah Public Treasurer's Investment Accounts**  
225 **Approved unanimously (4-0)**  
226 **Roll Call Vote**  
227

228 **9.3 MOTION/RESOLUTION 19-22: TO APPROVE AN ACTING BUDGET FOR FY**  
229 **2020, APPROVE THE FEE SCHEDULE, AND PROPOSE AN INCREASE TO**  
230 **THE CERTIFIED PROPERTY TAX REVENUE**

231 Garrett stated that the resolution is made of up of three parts.

232 She stated that the first component is to adopt an acting budget so that the City can  
233 continue business starting July first. She stated that the acting budget is the tentative  
234 budget, with the only exception being the proposed \$260,000 related to the increased level  
235 of service for the fire department and the correlating tax increase we are proposing be  
236 excluded from the acting budget. She stated that a final budget will need to be adopted  
237 before September first.

238 She stated that the second component is the fee schedule which includes the \$1.95 to the  
239 base rate on the utility bill.

240 The last piece of the resolution directs staff to notify the county auditor of the city's intent to

241 propose an increase to the certified tax rate revenue. For 2019 it has been calculated at  
242 approximately \$607,000. We will be asking it to be increased to \$867,000, thus prompting  
243 a Truth in Taxation hearing. She stated that by taking action tonight does not give final  
244 approval, which will come later.

245  
246 **Motion by Council Member Barker**  
247 **Seconded by Council Member Weir**  
248 **To approve Resolution 19-22 to approve and acting budget**  
249 **For Fiscal Year 2020, and approve the fee schedule**  
250 **And propose an increase to the**  
251 **certified property tax revenue**  
252 **Approved unanimously (4-0)**  
253 **Roll Call Vote**

254  
255 Garrett stated that the Council will meet again for a town hall meeting on July 16<sup>th</sup>. She  
256 stated that the property evaluation notice will be sent out on July 22,2019. She stated that  
257 the August 6<sup>th</sup> meeting will have the Truth in Taxation public hearing. The final decision  
258 on the proposed tax increase will be on August 20<sup>th</sup>.

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260 **9.4 MOTION/ORDINANCE 19-04: AMENDING CHAPTER 5.07 “BUSINESS**  
261 **LICENSING” RELATING TO FOOD TRUCK BUSINESSES**

262 Hanson stated that the Ordinance would allow food trucks to operate in the city for special events  
263 with specific parameters. Specific requirements would have to be met. Hanson stated that the City  
264 would receive minor sales tax from the operations.

265  
266 **Motion by Council Member West**  
267 **Seconded by Council Member Barker**  
268 **To approve Ordinance 19-04 amending chapter 5.07 “Business Licensing”**  
269 **Relating to food truck businesses**  
270 **Approved unanimously (4-0)**  
271 **Roll call vote**

272  
273 **9.5 MOTION/ORDINANCE 19-03: COMMERCIAL ZONES AMENDED**  
274 Hanson stated that the Ordinance amends permitted uses in commercial zones.

275  
276 **Motion by Council Member Weir**  
277 **Seconded by Council Member Barker**  
278 **To approve ordinance 19.03 “Commercial Zones Amended”**  
279 **Approved unanimously (4-0)**  
280 **Roll Call Vote**

281  
282 **9.6 MOTION: APPROVAL OF IN-FILL SUBDIVISION FOR TERRACE PINES**  
283 **(PROPOSED NAME) LOCATED BETWEEN 475 WEST 5000 SOUTH**

284 Hanson stated Kevin Nelson is the developer on the project.  
285 Hanson stated that he is delighted that the property is under development. He stated that it has  
286 been a hazard in the past and is happy that it is being taken care of. Hanson stated that the project  
287 has been approved by Council a few years ago under the old owner. He stated that the property  
288 will be a nice fit in the area. Hanson stated that this is a terrific project.

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**Motion by Council Member Barker  
Seconded by Council Member  
To approve the infill subdivision currently known as Terrace Pines  
Between 475 West 5000 South  
With the contingency of application and acceptance of engineers requirements  
Approved unanimously (4-0)**

**9.7 DISCUSSION/ACTION: HGTV EXTREME MAKEOVER- HOME ADDITION  
REQUEST FOR PERMISSION TO FILM IN WASHINGTON TERRACE CITY**

Hanson stated that HGTV is wanting to do two projects in the area. Ogden City is one of the projects, and they would like Washington Terrace to be another one. They are wanting to demolish a home and rebuild for around a week. He stated that they are asking that the city would be available around the clock for road closures, inspections, and permitting. He stated that he does not know the downsides to the project as of yet. He will be meeting with the HGTV team on Wednesday to talk about the projects and what needs they would have. Hanson stated that he does not know the burdens that we would have to take on to make this available. He stated that we do not have the capacity to pay to have other inspectors to come in. Hanson stated that it might be disruptive to the neighborhood. He stated that he does not know if HGTV will be funding everything or if they are relying on City donations, to which we do not have the funding.

**Motion by Council Member Brown  
Seconded by Council Member West  
To allow the film crew to film and build as per the  
recommendation based on the approval of one Council Member the Mayor  
And City Manager  
Approved unanimously (4-0)**

**9.8 MOTION: MOTION TO AMEND THE COUNCIL MEETING SCHEDULE**

**Motion by Council Member Barker  
Seconded by Council Member Weir  
To amend the meeting schedule to cancel  
The July 2, 2019 Meeting  
Approved unanimously (4-0)**

**10. ADJOURN INTO RDA MEETING**

The meeting adjourned into RDA at 8:50 p.m.  
The meeting reconvened at 8:52 p.m.

**11. COUNCIL COMMUNICATION WITH STAFF**

Council Member Brown expressed his thanks to staff for their work on Terrace Days.

**12. ADMINISTRATION REPORTS**

There were no reports.

- 337 **13. UPCOMING EVENTS**  
338 **June 27<sup>th</sup>: Planning Commission Meeting (tentative)**  
339 **July 4<sup>th</sup>: City Offices closed for Independence Day**  
340 **July 16<sup>th</sup>: Town Hall Meeting for Truth in Taxation and Fire Operations 6:00 p.m.**  
341 **July 16<sup>th</sup>: City Council Meeting 7:00 p.m.**  
342 **July 24<sup>th</sup>: City Offices closed for Pioneer Day**  
343 **July 25<sup>th</sup> Planning Commission Meeting 6:00 p.m. Tentative**

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346 **14. ADJOURN THE MEETING: MAYOR ALLEN**  
347 **Mayor Allen adjourned the meeting at 8:55 p.m.**

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349 **15. WORK SESSION (Immediately following the regular meeting)**  
350 **Topic to include: Training on Storm Water Procedures**

351 Public Works Director Steve Harris presented a training on Storm Water Procedures.  
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**Date Approved**

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**City Recorder**

## Washington Terrace Animal Control Statistics Second Quarter 2019

	Attack/Bite	Barking	Stray/Roaming	Carcass Removal	Citizen Assist.	Followup	Injured animal	Citations	Cruelty	Calls For Service	Extra Patrol
TOTAL	5	21	35	0	4	7	1	1	6	90	9
Jun-19	2	10	9	0	2	2	0	0	2	29	1
May-19	3	6	8	0	1	1	1	1	3	29	5
Apr-19	0	5	18	0	1	4	0	0	1	32	3

## City Council Staff Report

**Author:** Tom Hanson  
**Subject:** Affordable Housing/  
Moderate Income Housing  
**Date:** July 16, 2019  
**Type of Item:** Discussion on requirements



**Summary:** In order to continue to receive transportation funding, we will be required to submit a revised Moderate Income Housing (MIH) plan I as part of the cities general plan. The intent of this revision is to ensure that cities are considering MIH accessibility for people struggling to obtain basic affordable housing. I have included the summary of our requirements along with this report in order to provide a detailed explanation of the requirements. Staff is determining whether or not this report will necessitate hiring an outside consultant to complete the required documentation. MIH planning documents are required no later than December 2019.

### **Description:**

- A. **Topic: SB 34 Affordable Housing Modification / MIH**
- B. **Background:** During the past legislative session it was determined that something was needed to be done to assist people in acquiring affordable housing. With that end in mind legislation was passed that would require cities and counties to enact strategies that would help bridge the housing gap. A list of approved strategies are included in the ULCT Summary sheet included in the staff report. Please review the document for details surrounding the legislation.
- C. **Analysis:** It is staff's determination that we must comply with the mandate in order to continue to receive transportation funding and comply with state regulatory legislation. However, it is not yet determined if we need to hire outside resources to accomplish this task. If hiring an outside resource is required, staff will present a proposal for RFP submissions and appropriate budget adjustments.

**Summary of SB 34 Affordable Housing Modifications (4th Substitute)**

**Sen. Jake Anderegg / Rep. Val Potter**

**Summary:** SB34 encourages local communities to plan for housing for residents of all income levels, and coordinate that housing with transportation. Communities are required to develop a moderate income housing (MIH) plan as part of their general plan. Communities that are required to annually report on their MIH plan implementation must satisfy these requirements to remain eligible for state transportation investments.

**Revisions to required elements of municipal and county general plans:**

Land Use element must now consider location of land for housing for residents of various income levels in addition to the other categories of public and private uses of land (line 481 for municipalities; 1172 for counties).

Transportation and Traffic Circulation element:

- “Provide the general location and extent” of active transportation facilities in addition to freeways, arterial and collector streets, public transit, and other modes of transportation (491; 1182).
- Plan residential and commercial development around “major transit investment corridors” to improve connections between housing, employment, education, recreation, and commerce (494; 1185).
  - Defines “major transit investment corridor” as public transit service that uses or occupies: (a) public transit rail right-of-way; (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and (i) a public transit district as defined in Section 17B-2a-802, or (ii) an eligible political subdivision as defined in Section 59-12-2219 (246; 858).
  - Municipalities without a major transit investment corridor must plan for residential and commercial development in areas that maintain and improve these connections (498).
- Correlate the transportation plan with population and employment projections, and the proposed land use element (502, 1188).
- Consider the regional transportation plan developed by the region’s metropolitan planning organization (MPO); if outside an MPO, consider the long-range transportation plan developed by UDOT (575; 1258).

Moderate Income Housing (MIH) element:

- **Municipalities/counties covered:** Utah Code has long required municipalities and counties to plan for moderate income housing growth. SB34 requires, by December 1, 2019, the following municipalities and counties to update and adopt the moderate income housing element of their general plan (444; 1074), and annually report on implementation (614; 1296):
  - all municipalities of the 1st, 2nd, 3rd, and 4th class;
  - cities of the 5th class with a population of 5,000 or more that are located in counties of the 1st, 2nd, and 3rd class;
  - metro townships with a population of 5,000 or more; and
  - all counties must plan and adopt a MIH element including strategies from the ‘menu’ (see below) but only counties of the 1st, 2nd, and 3rd class with an unincorporated population of 5,000 or more must annually report on implementation.
- Facilitate a reasonable opportunity for a variety of housing including MIH and shall now 1) meet the needs of people of various income levels living, working, or desiring to live or work in the community (509; 1198); 2) “allow people with various incomes to benefit from and participate in all aspects of neighborhood and community life” (511; 1200); 3) towns may and cities shall analyze how they will provide a realistic opportunity for the development of MIH within 5 years for cities (513) and within the planning horizon for counties (1203).

- **Menu:** Shall include a recommendation to implement 3 or more of the following strategies, aka the ‘menu’ (518; 1205):
  - (A) rezone for densities necessary to assure the production of MIH
  - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH
  - (C) facilitate the rehabilitation of existing uninhabitable housing stock into MIH
  - (D) consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city
  - (E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones
  - (F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers
  - (G) encourage higher density or moderate income residential development near major transit investment corridors
  - (H) eliminate or reduce parking requirements for residential development where a resident is less likely to rely on their own vehicle, e.g. residential development near major transit investment corridors or senior living facilities
  - (I) allow for single room occupancy developments
  - (J) implement zoning incentives for low to moderate income units in new developments
  - (K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis
  - (L) preserve existing MIH
  - (M) reduce impact fees, as defined in Section 11-36a-102, related to low and MIH
  - (N) participate in a community land trust program for low or MIH
  - (O) implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality
  - (P) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH
  - (Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity
  - (R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services
  - (S) apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act [not in county list of recommendations]
  - (T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH
  - (U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance
  - (V) utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency
  - (W) any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income
- In addition to the recommendations required above, municipalities that have a “fixed guideway public transit station” shall include a recommendation to implement either “G” or “H” (568) [not required for counties].

- **Annual reporting and review of the moderate income housing plan:** The municipal/county legislative body shall annually review their MIH plan and implementation of that plan; prepare and post a report of their findings on their website; and send the report to Dept. of Workforce Services, AOG, and MPO if applicable (612; 1294).
  - The report shall include: a) revised estimate of the need for MIH in the next 5 years; b) description of progress made to provide MIH by analyzing and publishing data on the # of housing units that are at or below 80%, 50%, and 30% adjusted median family income; c) description of efforts to utilize a MIH set-aside from community reinvestment agency, redevelopment agency, or community development and renewal agency; d) description of the implementation of the MIH recommendations aka 'menu'.
  - Requires the DWS Division of Housing and Community Development to (i) assist in the creation of the MIH reports, and (ii) evaluate the reports for purposes of determining eligibility for state transportation funds. Gives DWS rulemaking authority to develop the evaluation process (1414).

**Revisions to Olene Walker Housing Loan Fund (1325):** SB34 did not provide any additional funding for housing. Revises Olene Walker Housing Loan Fund board to add 1 member w/expertise in transit-oriented development and 1 member who represents rural interests. The board must hold two public input meetings each year, once in a rural area. Allows fund money to be used to purchase land for low-income housing (1388).

**Revisions to state transportation funding:**

- Adds access to educational facilities and MIH to the prioritization process for new transportation capacity projects administered by the Utah Transportation Commission (1749).
- State Transportation Investment Fund (TIF) or Transit Transportation Investment Fund (TTIF) funds may not be used in a municipality or unincorporated county that has failed to adopt a MIH plan or has failed to report on implementation of their MIH plan as determined by DWS. TIF funds can still be used for a limited-access facility, but not for construction, reconstruction, or renovation of an interchange. TTIF funds can still be used for a multi-community fixed-guideway public transportation project, but not for the construction, reconstruction, or renovation of a station (1808).

## City Council Staff Report

**Author:** Tom Hanson  
**Subject:** Beaver Valley Resolution  
**Date:** July 16, 2019  
**Type of Item:** Resolution



**Summary:** In order to explain this resolution, I will include the summary provided to me from Blaine Benard, legal council for Beaver Valley Hospital and several other rural hospitals throughout the state.

### **Description:**

- A. **Topic:** Beaver Valley / Mount Ogden Nursing facility resolution.
  
- B. **Background:** Author Blain Benard

In summary, the State established a Medicaid payment program in 2013 that allows significant additional dollars to flow to the state's skilled nursing facilities if they team with a non-state, government owned hospital for the operation of the nursing facility. The program is called a gap program, similar to other gap programs for hospitals where the facilities can receive the Medicare rate of reimbursement, even for Medicaid patients. Currently Medicaid pays about \$75 per day – per patient – **less** than what Medicare pays for the exact same service. If a government hospital like Beaver Valley Hospital becomes the operator of the nursing facility, then it can receive the higher Medicare rate, even for Medicaid patients. This results in substantial additional revenue of nearly \$1 million per year to Mt. Ogden Nursing. By state regulation, a substantial portion of this new money must be used within the facility and the facility is required to account to the health department each year regarding how it spent this new money to achieve identified quality metrics. The result is a better facility and better patient care as new funds flow to the facility over time.

As I mentioned, in order to complete this arrangement, BVH must have an agreement with Washington Terrace pursuant to Utah Code Section 10-8-90. There are currently about 65 nursing facilities in the program and BVH is the operator of about 40 of them so this program has been highly successful since 2013. It has been a tremendous program for the state's nursing facilities.

Although BVH becomes the operator and license holder of the facility, it is entering a management agreement with the current owner/operator, Ensign, to continue to run the facility so there will be no visible change in the operation of the facility.

I realize this is a short synopsis of the program and the requirement for the agreement, but hopefully this will kick off a dialogue that can result in an agreement being signed by Monday to meet the state's requirement of a July 1st submission. Again, I apologize for the short timing on this and I wish I could come visit you in person to discuss this. However, I will spend whatever time you need discussing this and responding to questions.

- C. **Analysis:** Beaver City actually owns the Beaver Valley hospital even though the hospital operates under its own budget and management. That being said, there is a clear link to the claims being made for gap funding and the opportunity for considerable improvements for Mt Ogden Nursing. Staff sees this as an opportunity to improve living conditions at Mt. Ogden and improve the service level of the business and taxable value of future capital improvements.

**Department Review: Alternatives:**

- A. **Approve the Request:** Allow the agreement to move forward as required by state regulations and provide gap funding for services being rendered by Mt. Ogden Nursing.
- B. **Deny the Request:** Put a stop to the gap funding opportunities for Mt. Ogden Nursing.
- C. **Continue the Item:** Delay the approval will prohibit Beaver Valley and Mt. Ogden from executing the agreement because of the deadline requirements imposed by the state.

**CITY OF WASHINGTON TERRACE  
RESOLUTION 19-25**

**A RESOLUTION OF THE CITY OF WASHINGTON TERRACE, UTAH,  
AUTHORIZING AN AGREEMENT BETWEEN BEAVER VALLEY HOSPITAL AND  
THE CITY OF WASHINGTON TERRACE TO OPERATE THE MT. OGDEN HEALTH  
& REHABILITATION CENTER**

**WHEREAS**, the City of Washington Terrace (hereafter “City”) is a municipal corporation duly organized and existing under the laws of the state of Utah;

**WHEREAS**, Beaver Valley Hospital (“BVH”) is a municipal hospital duly organized and existing under the laws of the state of Utah;

**WHEREAS**, BVH intends to become the operator of Mt. Ogden Health & Rehabilitation Center located at 375 East 5350 South Washington Terrace, Utah in order to allow the facility to draw down additional reimbursement for services that will be used within the Mt. Ogden facility to enhance the quality of care for the residents of the center and to ensure the center’s long-term viability;

**WHEREAS**, Utah Code § 10-8-90 requires that if BVH operates a nursing facility located in another city, town, or county, it must have an agreement with the city, town, or county where the nursing facility is located;

**WHEREAS**, the City of Washington Terrace desires to support the operation of nursing facilities in the City;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Washington Terrace, Utah, that the City Council approves the attached Agreement (exhibit A) and authorizes the Mayor and City Recorder to sign the Agreement forthwith.

**EFFECTIVE DATE:** This Resolution shall take effect July 16, 2019.

**PASSED AND APPROVED** by the City Council this 16th day of July, 2019.

\_\_\_\_\_  
MARK C. ALLEN, Mayor  
ATTEST:

\_\_\_\_\_  
AMY RODRIGUEZ, City Recorder

Roll Call Vote  
Council Member Brown  
Council Member Barker  
Council Member Monsen  
Council Member Weir  
Council Member West

## **Agreement between Beaver Valley Hospital and The City of Washington Terrace for the operation of a nursing care facility within Washington Terrace**

This Agreement is entered into this 16th day of July, 2019 in accordance with Utah Code § 10-8-90 between The City of Washington Terrace, a municipal corporation of the State of Utah (the “City”) and Beaver Valley Hospital, a municipal hospital existing under the laws of the State of Utah (“BVH”).

Whereas, BVH intends to become the operator of Mt. Ogden Nursing, located at 375 East 5350 South Washington Terrace, Utah. Mt. Ogden Nursing is currently operated by Ensign Service, Inc., or an affiliated entity.

Whereas, Utah Code § 10-8-90 requires that if BVH operates a nursing care facility located in another city, town, or county, it must have an agreement with the city, town, or county where the nursing facility is located;

Whereas, the City desires to support the operation of nursing facilities in the City, including those operated by BVH.

Therefore, the City and BVH agree as follows.

1. BVH may operate nursing care facilities within the City and shall comply with all State licensure and legal requirements.
2. BVH will obtain and retain a City business license for its operations within the City.
3. BVH accepts and understands its responsibilities under a City business license, which includes payment of fees, required reporting and inspections, and compliance with municipal ordinances.
4. Unless this Agreement is terminated by the City in accordance with Section 6 below, the City agrees to BVH’s operation of nursing facilities within the City.
5. The City agrees to notify BVH of any violation of this Agreement and to allow BVH a reasonable amount of time to cure or correct any violations before terminating this Agreement.
6. This Agreement is for ten years from the effective date above and shall automatically renew for successive 10-year periods, unless terminated by either party. Termination by the City shall be based on failure of BVH to correct or remedy violations of this

Agreement; and termination by BVH shall occur if BVH no longer operates the nursing facilities in the City.

Beaver Valley Hospital

The City of Washington Terrace

\_\_\_\_\_  
Scott Langford, CEO and Administrator

\_\_\_\_\_  
By: Mark C. Allen, Mayor

Attest:

\_\_\_\_\_  
Amy Rodriguez, City Recorder



**City of Washington Terrace  
Redevelopment Agency Meeting  
Tuesday, July 16, 2019  
following the Regular City Council Meeting  
City Hall Council Chambers  
5249 South 400 East, Washington Terrace City**

**1. ROLL CALL**

**2. INTRODUCTION OF GUESTS**

**3. CONSENT ITEMS**

*Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.*

**3.1 APPROVAL OF AGENDA**

**3.2 APPROVAL OF MEETING MINUTES FROM JUNE 18, 2019**

**4. COMMENTS CONSIDERED**

**5. ADJOURNMENT OF MEETING: CHAIR ALLEN**

**CERTIFICATE OF POSTING**

I, Amy Rodriguez, The undersigned duly appointed City Recorder of the City of Washington Terrace do hereby certify that the above agenda was posted in three public places within the City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting.

For Packet Information, please visit our website at [www.washingtonterracecity.org](http://www.washingtonterracecity.org)

1 City of Washington Terrace

2  
3 Minutes of a Redevelopment Meeting  
4 Held on June 18, 2019  
5 following the Regular City Council Meeting  
6 City Hall, 5249 South 400 East, Washington Terrace City,  
7 County of Weber, State of

8 **CHAIR, BOARD, AND STAFF MEMBERS PRESENT**

- 9 Chair Allen  
10 Board Member Monsen - excused  
11 Board Member Brown  
12 Board Member Weir  
13 Vice- Chair Barker  
14 Board Member West  
15 Public Works Director Steve Harris  
16 Finance Director Shari’ Garrett  
17 City Manager Tom Hanson  
18 City Recorder Amy Rodriguez

19  
20 **Others Present**

21 Charles and Reba Allen, Amy Miller

22 **1. ROLL CALL**

23  
24 **2. INTRODUCTION OF GUESTS**

25  
26 **3. CONSENT ITEMS**

27  
28 **3.1 APPROVAL OF AGENDA**

29 **3.2 APPROVAL OF MEETING MINUTES FROM MAY 21, 2019**

30 Items 3.1 and 3.2 were approved by general consent.

31 **4. NEW BUSINESS**

32 **4.1 MOTION/RESOLUTION 19-24: ADOPTING THE FISCAL YEAR 2020**  
33 **BUDGET**

34 **Motion by Board Member Barker**  
35 **Seconded by Board Member Weir**  
36 **To approve Resolution 19-24 to adopt the**  
37 **Fiscal Year 2020 Budget**  
38 **Approved unanimously (4-0)**  
39 **Roll Call Vote**

40  
41 **5. ADJOURNMENT OF MEETING: CHAIR ALLEN**

42 Chair Allen adjourned the meeting at 8:52 p.m.

43  
44  
45 \_\_\_\_\_  
46 **Date Approved**

45 \_\_\_\_\_  
46 **City Recorder**